



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

**STATE HOUSE STATION 101
OFFICE OF THE SECRETARY OF STATE
AUGUSTA, MAINE 04333**

May 11th, 1993

Minutes of the May 11th, 1993 Commission meeting held in Room 216 of the State Office Building, Augusta, Maine.

Present: Chairman Robert P. McArthur; members Virginia Chamberlin, Joseph B. Ezhaya, Richard G. Morton, Peter B. Webster; Commission Counsel Cabanne Howard

Absent: Members Gregory G. Cyr, Robert E. Tierney, Richard L. Trafton, Paul E. Violette

The minutes of the March 11 and March 31, 1993 meetings were approved as written.

The first item considered was the request of Representative Joseph Carleton for an advisory opinion. Representative Carleton inquired as to whether he would have a conflict of interest in participating in activities, including voting, relating to the Public Utilities Commission, in view of the fact that his parents own a very substantial amount of common stock in Central Maine Power Company that he is likely to inherit. After some discussion, Commission members agreed that the provisions of 1 MRSA Section 1014(A) came closest to the situation described in Representative Carleton's letter.

However, the Commission concluded there would be no conflict of interest under that provision for the following reasons:

- 1) Representative Carleton's interest in Central Maine Power Company stock is not direct; i.e., he would not now derive any personal financial benefit from any proposed legislation;
 - 2) Assuming no irrevocable trust is involved, there is no certainty that he would eventually inherit the stock; and
 - 3) There would be no substantial personal financial benefit to a member of his immediate family.
- The staff was then directed to notify Representative Carleton of the Commission's decision.

The Commission then reviewed the provisions of L.D. 1477 which implement the recommendations of the Special Commission to Review the Electoral Process. Ms. Lorraine Fleury, Director of Elections, was present and responded to questions concerning the bill.

In the ensuing discussion, members expressed praise for many of the reforms contained in the bill.

However, the following concerns were voiced:

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- 1) The fees established for candidates requesting recounts were too high. It was generally agreed that the suggested fees would be prohibitive to some candidates desiring recounts;
- 2) Eliminating the fact-finding role of the Commission with regard to disputed elections and transferring the final decision-making authority for seating Legislators from the Legislature to the Court would require a constitutional amendment.

Members expressed the view that the resolution of disputed elections was better left within the province of the Legislature; that the delegation of authority by the Legislature to the Ethics Commission was entirely appropriate. It was generally felt that extreme caution should guide any decision to amend Maine's Constitution as it relates to the principle of separation of powers.

The Commission then unanimously approved Chairman McArthur's proposal to communicate the Commission's views on L.D. 1477 to the Legislature. The staff was asked to draft and distribute a letter to members of the Legal Affairs Committee, pending the Commission's approval of the letter.

Next, the Commission considered a staff suggestion concerning a code of ethical standards for the Legislature. After review of a draft proposal, a motion was made, seconded and approved to table the proposed code.

The meeting adjourned at 11:00 a.m.

Sincerely,

Marilyn Canavan
Director